IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 8TH AUGUST 2007 / 17TH SRAVANA 1929

Crl.Rev.Pet.No. 2901 of 2007()

C.C. NO. 274 OF 1993 OF THE J.F.C.M.-II, PATHANAMTHITTA
CRA. NO. 81 OF 2000 OF THE ADDL. DIST, AND SESSIONS JUDGE (ADHOC) COURT NO. I, PATHANATHITTA

REVN. PETITIONER: PETITIONER/APPELLANTS/ACCUSED

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1. KARUNAN, S/O. DAMODARAN,
   MURUPPEL CHARIVUKALYIL HOUSE, APPUPPANTHODU FOOD PRODUCTION AREA, ARUVAPPULAM VILLAGE, KOLENCHERRY TALUK.

2. BHARATHAN, S/O. PADMANABHAN,
   ANANDAN BHAVAN, APPUPPANTHODU FOOD PRODUCTION AREA, ARUVAPPULAM VILLAGE, KOZHENCHERRY TALUK.

3. REGHU, S/O. DAMODARAN,
   MURUPPEL CHARIVUKALAYIL HOUSE, APPUPPANTHODU FOOD PRODUCTION AREA, ARUVAPPULAM VILLAGE, KOZHENCHERRY TALUK.

4. KUNJUMON, S/O. DAMODARAN,
   MURUPPEL CHARIVUKALAYIL HOUSE, APPUPPANTHODU FOOD PRODUCTION AREA, ARUVAPPULAM VILLAGE, KOZHENCHERRY TALUK.

BY ADV. SRI.ESM.KABEER

RESPONDENTS: RESPONDENT/COMPLAINANT

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI.K.S. SIVAKUMAR

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 08/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.RAMKUMAR, J.

Crl.R.P. No. 2901 of 2007

Dated: 7-8-2007

O R D E R

Revision petitioners who were accused Nos. 1 to 4 in C.C. 274 of 1993 on the file of the J.F.C.M.-II, Pathanamthitta for offences punishable under Sections 27(1)(g) and 2 (c0 of the Kerala Forest Act, challenge the conviction entered and the sentence passed against them concurrently by the courts below for the aforementioned offences.

2. The case of the prosecution is as follows:-

On 21-11-2990 while P.Ws 1 to 4 and others who are Forest personnel attached to the Kokkathode Forest Station were on beat duty in the Naduvathu Moozhy Range in Konni Reserve Forest within the jurisdiction of the Kokkathodu forest Station they stumbled upon the revision petitioners who had trespassed into the dense forest and were engaged in removing the sawed pieces of a teak tree. On interrogation, they showed stumps of the teak trees which were felled by them and which had been converted into sawed pieces. By their action the Government has sustained a loss of Rs. 6,000/-.

3. P.Ws 1 to 4 were the forest personnel who were on patrol duty and who had detected the offence and the revision petitioners.

Ext.P1 is the contemporaneous mahazar prepared by the detecting beat party. Ext.p2 is the occurrence report and Ext.P3 is the notification showing that the area in question is a reserved forest. P.Ws 1 to 4 testified before court in accordance with the prosecution case. The learned Magistrate who had the unique advantage of seeing the witnesses and assessing their credibility had no difficulty in accepting the testimony of P.Ws 1 to 4. P.W.5 is the officer who conducted the investigation and filed the complaint before Court.

4. For the aforesaid conviction the revision petitioners were sentenced to rigorous imprisonment for one year each and to pay fine of Rs. 1,000/- each and on default to pay the fine to suffer simple imprisonment for three months each.

5. Eventhough the learned counsel for the revision petitioners assailed the conviction recorded against them, this Court sitting in the rarefied revisional jurisdiction can interfere with the conviction only if the judgments under appeal suffer from any legal infirmity so as to warrant interference. Both the courts below have concurrently believed the prosecution witnesses and have recorded the finding of guilt against the revision petitioners. Hence, I see no reason to interfere with the conviction recorded against the revision petitioners.

6. The sentence imposed of the revision petitioner also

cannot be said to be harsh or disproportionately excessive, particularly, when what has been imposed on them is the mandatory minimum.

This revision is accordingly dismissed.

V. Ramkumar, Judge.

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